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CLERK  
U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

March 3, 2020

Judge Leo I. Brisbois  
United States District Court  
District of Minnesota  
300 South Fourth Street, Ste 202  
Minneapolis, MN 55415

Re: Biron v. Sawyer, No. 19-CV-2938/Defendants' Motion to Withdraw and Re-file  
their Motion to Dismiss

Dear Judge Brisbois:

I object to the defendants' February 27, 2020 letter-motion requesting to withdraw and refile their motion to dismiss. Defendants claim this request should be granted based on "new facts". There are, however, no new facts, and granting their request will prejudice me and my daughter, Rachael.

My sentence has not been changed. All of the conditions are the same as when they were pronounced on May 23, 2013. A scrivener's error was corrected, but this cannot be classified as a "modification." And the defendants had the true sentencing condition in their possession all along. AUSA Tweeten sent the portion of my sentencing transcript that contained the contact condition to me as an exhibit to his declaration. It is hardly a "new" fact.

Attorney Tweeten's failure to read my sentencing transcript and compare it to the written list of conditions is not good cause for allowing him a "do-over" or the chance to concoct a new reason for barring my and Rachael's contact. In fact, if a private defense attorney committed this mistake, he would be wise to contact his malpractice insurance provider. Defendants have already stated their rationale for the contact bar under penalty of perjury. They should not, nor should Attorney Tweeten counsel them to, perjure themselves by making a different argument now. The deadline for filing an answer or other response to the complaint has passed long ago.

If the defendants wish to withdraw their motion to dismiss so this Court can enter default judgment in my and Rachael's favor, I do not object. Otherwise, I ask that you not allow the withdrawal and re-filing, and grant my renewed motion for summary judgment incorporated in my opposition to their motion to dismiss. Please expedite this case so Rachael and I can correspond soon.

Thank you for your consideration in this matter.

Sincerely,

*Lisa Biron*

Lisa Biron

Cc: AUSA Andrew Tweeten

SCANNED  
MAR 06 2020

U.S. DISTRICT COURT MF